

**SUPREME COURT MINUTES
WEDNESDAY, JULY 30, 2008
SAN FRANCISCO, CALIFORNIA**

S037625**PEOPLE v. HARRIS LANELL
CRAIG)**

Rehearing denied

The petition for rehearing is denied.

George, C. J., was absent and did not participate.

S143689

F042896 Fifth Appellate District

**EBBETTS PASS FOREST
WATCH v. CALIFORNIA
DEPARTMENT OF
FORESTRY & FIRE
PROTECTION (SIERRA
PACIFIC INDUSTRIES)**

Rehearing denied

The opinion is modified on the court's own motion.

George, C. J., was absent and did not participate.

S143689

F042896 Fifth Appellate District

**EBBETTS PASS FOREST
WATCH v. CALIFORNIA
DEPARTMENT OF
FORESTRY & FIRE
PROTECTION (SIERRA
PACIFIC INDUSTRIES)**

Opinion modified - no change in judgment

S130263**GAY (KENNETH EARL) ON
H.C.**

Order to show cause issued

The Director of the Department of Corrections and Rehabilitation is ordered to show cause, when the matter is ordered on calendar, why petitioner is not entitled to relief on the ground of trial counsel's conflict of interest that prejudicially affected his representation at the guilt phase of petitioner's trial, and on the ground of trial counsel's failure to adequately investigate and present

evidence at the guilt phase tending to show that petitioner did not participate in the murder of Officer Verna, as alleged in Claims Two and Three of the petition.

The written return is to be served on or before August 29, 2008.

At the joint request of the parties, all proceedings in the penalty retrial in *People v. Kenneth Earl Gay*, Los Angeles Superior Court Case No. A392702, are stayed pending further of this court.

George, C. J., was recused and did not participate.

Votes: Moreno, A. C. J., Kennard, Werdegar, and Chin, JJ.

S163811 B195197 Second Appellate District, Div. 5 **PEOPLE v. CONCHA
(REYAS)**

Petition for review granted; issues limited (criminal case)

The petitions for review are granted.

The parties are directed to limit their briefs and arguments to the following issue and any issues fairly included (Cal. Rules of Court, rule 8.516(a)(1)): Did the trial court err in allowing the jury to return verdicts of first degree murder when the case was tried on a theory of provocative-act murder? Compare *People v. Concha* (2008) 160 Cal.App.4th 1441 at pages 1457 through 1461, and pages 1463 through 1465.

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegar, Chin, and Corrigan, JJ.

S164011 A117076 First Appellate District, Div. 5 **PEOPLE v. JACINTO
(ARMANDO MONTER)**

Petition for review granted (criminal case)

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegar, and Corrigan, JJ.

S164174 H030444 Sixth Appellate District **SIMPSON STRONG-TIE
COMPANY, INC. v. GORE
(PIERCE)**

Petition for review granted; issues limited (civil case)

The petition for review is granted.

The issues to be briefed and argued are limited to the following:

- (1) Which party bears the burden of persuasion with respect to the applicability of the anti-SLAPP exemptions set forth in Code of Civil Procedure section 425.17, subdivision (c)? and
- (2) Does Code of Civil Procedure section 425.17, subdivision (c) exempt from anti-SLAPP protection an advertisement by a lawyer soliciting clients for a contemplated lawsuit?

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegar, Chin, and Corrigan, JJ.

S162823 D050554 Fourth Appellate District, Div. 1 **PEOPLE v. MCKEE
(RICHARD)**

Issues ordered limited

This issue to be briefed and argued is limited to the following:

Does the amended Sexually Violent Predator Act violate appellant's constitutional rights to due process of law, is it an illegal ex post facto law, and does it violate equal protection? (Cal. Rules of Court, rule 8.516(a)(1).)

George, C. J., was absent and did not participate.

S163819 H031395 Sixth Appellate District **HUYNH (NAM VAN) ON H.C.**
Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Lawrence*, S154018, *In re Shaputis*, S155872, and *In re Jacobson*, S156416, or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S163931 D051015 Fourth Appellate District, Div. 1 **VASQUEZ (DAVID) ON H.C.**
Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Lawrence*, S154018, *In re Shaputis*, S155872, and *In re Jacobson*, S156416, or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S164640 A115095/A115118 First Appellate District, Div. 1 **CONTRA COSTA, COUNTY
OF v. PUBLIC EMPLOYEES
UNION LOCAL ONE
(PUBLIC EMPLOYMENT
RELATIONS BOARD)**

Review granted/briefing deferred (8.512(d)(2) civil case)

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *City of San Jose v. Operating Engineers Local Union No. 3*, S162647, or pending further order of

the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S164142 B194825 Second Appellate District, Div. 8 **PEOPLE v. LUSTER**
(RICKEY

GLEN)

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Eight

The petition for review is granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to vacate its decision and reconsider the cause in light of *Giles v. California* (2008)

__U.S. __, 128 S.Ct. 2678. (Cal. Rules of Court, rule 8.528(d).)

George, C. J., was absent and did not participate.

Votes: Moreno, A. C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S155822 **LAL (AZHAR) ON H.C.**

Petition ordered withdrawn (criminal case)

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S161041 **CARROLL (CASEY O.) ON**
H.C.

Petition ordered withdrawn (criminal case)

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S163282 B199625 Second Appellate District, Div. 1 **PEOPLE v. FIGUEROA**
(RAFAEL H.)

Petition for review denied

George, C. J., was absent and did not participate.

S163583 C052924 Third Appellate District **PEOPLE v. CHAVEZ (DANNY**
ROBERT)

Petition for review denied

George, C. J., was absent and did not participate.

S163625 B205089 Second Appellate District, Div. 1
Petition for review denied

George, C. J., was absent and did not participate.

NOONER (ROBERT) ON H.C.

S163694 C056068 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. MEDRANO (JUAN MIGUEL)

S163769 F053350 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

BROOKS (VIRGINIA) v. WORKERS' COMPENSATION APPEALS BOARD (DEPARTMENT OF CORRECTIONS & REHABILITATION)

S163773 B196174 Second Appellate District, Div. 3

PEOPLE v. GONZALEZ (JOSE)

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 70-901.

George, C. J., was absent and did not participate.

S163807 B194069 Second Appellate District, Div. 8

BOE & ASSOCIATES v. MGA ENTERTAINMENT, INC.

Petitions for review & publication request(s) denied

George, C. J., was absent and did not participate.

S163821 F051164 Fifth Appellate District

PEOPLE v. GHAFUR (KHADIJAH A.)

Petition for review denied

George, C. J., was absent and did not participate.

Baxter, J., was recused and did not participate.

S163824 F052045 Fifth Appellate District

Petitions for review denied
George, C. J., was absent and did not participate.
Baxter, J., was recused and did not participate.

PEOPLE v. AGUILAR (JUAN RAMON)

S163830 F051324 Fifth Appellate District
(NAAZIM

Petition for review denied
George, C. J., was absent and did not participate.
Baxter, J., was recused and did not participate.

PEOPLE v. HAMED ABDUL)

S163857 B207644 Second Appellate District, Div. 2
Petition for review denied
George, C. J., was absent and did not participate.

MCCOY (THOMAS) ON H.C.

S163894 B201034 Second Appellate District, Div. 5
v.

Petition for review denied
George, C. J., was absent and did not participate.

**8461 WARNER DRIVE LLC.
CITY OF CULVER CITY
(CONJUNCTIVE POINTS
WARNER DEVELOPMENT
LLP.**

S163921 B195509 Second Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. JOHNSON (ALFRED)

S163930 A120703 First Appellate District, Div. 2
Petition for review denied
George, C. J., was absent and did not participate.

JONES (DWAYNE) ON H.C.

S163935 F050896 Fifth Appellate District
Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. GARZA (JULIAN)

S163951 B189878 Second Appellate District, Div. 1
Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. BRAGGS
(ARCHIE L.)**

S163957 A115026 First Appellate District, Div. 5
Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. LUNSFORD
(MARCELLA)**

S163990 F052691 Fifth Appellate District
Petition for review denied
George, C. J., was absent and did not participate.
Baxter, J., was recused and did not participate.

H. (MARCELO), IN RE

S164018 E042513 Fourth Appellate District, Div. 2
Petition for review denied without prejudice to any relief to which defendant might be entitled
after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.
George, C. J., was absent and did not participate.

**PEOPLE v. HOWARD III
(JOHN)**

S164030 E045795 Fourth Appellate District, Div. 2
Petition for review denied
George, C. J., was absent and did not participate.

**ATTWOOD (THOMAS) ON
H.C.**

S164031 B195782 Second Appellate District, Div. 3
Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. DURDEN
(ANTHONY MAURICE)**

S164046 B197530 Second Appellate District, Div. 7

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GONZALEZ
(ENRIQUE)**

S164054 D052925 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**CARSON (ROBERT) v. S.C.
(PEOPLE)**

S164055 D052579 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

FINNEY (DAVID) ON H.C.

S164074 B200405 Second Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MARRORQUIN
(CESAR F.)**

S164083 F053409 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

C. (EMILIO), IN RE

S164091 C053346 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. ANDRADE
(ADRIAN FRANK)**

S164096 F051824 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. BARBOSA
(JEFFREY)**

S164097 H030248 Sixth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**SANTA CLARA VALLEY
TRANSPORTATION
AUTHORITY v. MISSION
WEST SHORELINE LLC.**

S164112 B190203 Second Appellate District, Div. 8

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. MEDINA (PAUL
MACARIO)**

S164114 B199153 Second Appellate District, Div. 5

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. CONTRERAS
(ANGEL M.)**

S164129 H031321 Sixth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. DILLON
(WILLIAM MAURICE)**

S164139 G036667 Fourth Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. CLANCY (JOHN
WILLIAM)**

S164145 F052200 Fifth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**COKER (JAMES RUSSELL) v.
ESCALERA (REBECCA)**

S164148 B198589 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MARTINEZ
(BRYAN ALEXANDER)**

S164163 H032583 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**CONNOLLY (DAVID SCOTT)
ON H.C.**

S164177 E040249 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MILLER (LARRY
LEE)**

S164191 B207834 Second Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

GREEN (DONALD) ON H.C.

S164197 A116528 First Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MORTON (IVORY
N.)**

S164224 D050560 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. COLEMAN
(EUGENE)**

S164251 B186044 Second Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**WOODS (RAYMOND A.) v.
UNION PACIFIC RAILROAD
COMPANY**

S164261 B176880 Second Appellate District, Div. 7

Petitions for review denied

George, C. J., was absent and did not participate.

**OUTLAND (CATHERINE) v.
BEVERLY (WILLIAM)**

S164289 E042976 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. ZARATE
(DANIEL M.)**

S164305 B199854 Second Appellate District, Div. 6

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MCNALLY (JOHN
ROBERT)**

S164329 C056843 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. LISLE (BRYAN
SCOTT)**

S164343 G037867/G038677 Fourth Appellate District, Div. 3 **POPULAR LEASING USA,
INC. v. MORTGAGE SENSE,
INC.**

Petition for review denied

George, C. J., was absent and did not participate.

S164380 B196180 Second Appellate District, Div. 7

Petition for review denied

George, C. J., was absent and did not participate.

**SIMKINS (GARY) v.
PATTERSON (ROBERT)**

S164399 B193957 Second Appellate District, Div. 5

Petition for review denied

George, C. J. was absent and did not participate.

**PEOPLE v. LOPEZ (JOHN
HERNANDEZ)**

S164416 B201082 Second Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. DIAZ (NEFTALI HUMBERTO)

S164431 D050155 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. DICICCO (TONY A.)

S164471 A116302 First Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**DEVONWOOD
CONDOMINIUM OWNERS
ASSOCIATION v. FARMERS
INSURANCE EXCHANGE**

S164496

Petition for writ of review & application for stay denied

George, C. J., was absent and did not participate.

**BOYAJIAN (JACK H.) v.
STATE BAR OF
CALIFORNIA**

S164511 A119441 First Appellate District, Div. 4

Petition for review denied

George, C. J., was absent and did not participate.

A. (AMANDA), IN RE

S164533 F052686 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MILLER
(JONATHAN JEFFERY)**

S164534 A121748 First Appellate District, Div. 2

Petition for review and application for stay denied
George, C. J., was absent and did not participate.

**MORENO (JOSE IZABEL) v.
S.C. (PEOPLE)**

S164536 B200910 Second Appellate District, Div. 6

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. JIMENEZ
(ROBERT MARIO)**

S164538 H031006 Sixth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. HARRIS
(WILLIAM)**

S164543 B197393 Second Appellate District, Div. 4

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. FRANCO (ISAUL
ESQUIVEL)**

S164544 E043082 Fourth Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. DELACRUZ
(JORGE)**

S164548 B148349 Second Appellate District, Div. 7

Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. PERRY (DANA C.)

S164551 B198946 Second Appellate District, Div. 5

Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. LOERA (JOE R.)

S164556 A116384 First Appellate District, Div. 4
Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. SMITH (GREGORY)

S164570 A118143 First Appellate District, Div. 4

Petition for review denied
George, C. J., was absent and did not participate.

**BUFIL (CAREN) v. DOLLAR
FINANCIAL GROUP, INC.**

S164575 B196278 Second Appellate District, Div. 6

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. CARRASCO
(ANTHONY)**

S164584 B208272 Second Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**BREN (CHRISTIES ALEXIS)
v. S.C. (BREN)**

S164594 F052530 Fifth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**MONTEGANI
(BERNADETTE) v. JOHNSON
(KARON A.)**

S164602 A114764 First Appellate District, Div. 5

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. CRAWFORD
(MCKENZIE R.)**

S164603 B198893 Second Appellate District, Div. 3
Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. GOOD (RAVON)

S164604 B197428 Second Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. SALDANA
(ANTONIO JAVIER)**

S164607 B195680 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. BARRERA (ALEX
GERALDO)**

S164608 C055822 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. ATKISON
(MICHAEL EUGENE)**

S164611 B206992 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**MORASCH (ANNETTE MAE)
v. S.C. (PEOPLE)**

S164617 D049655 Fourth Appellate District, Div. 1
(SCOTT

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GRAHAM

E.)**

S164618 G036594 Fourth Appellate District, Div. 3

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

George, C. J., was absent and did not participate.

**PEOPLE v. MCCARTHY
(KEVIN ROBERT)**

S164621 E041982 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. OVILLE
(PHILLIP)**

George, C. J., was absent and did not participate.

S164633 B205238 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**SHARMA (LILIVATI) v.
PARDUE (A. MICHAEL)**

S164647 B199429 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**TOMLIN (DAVE) v.
WORKERS'
COMPENSATION APPEALS
BOARD (CITY OF BEVERLY
HILLS)**

S164656 C055915 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. JACKSON (EDDIE
MORRIS)**

S164658 B204618 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN & FAMILY
SERVICES v. S.C. (STACEY
P.)**

S164660 C053800 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. LOGAN (LUKE
HOWARD)**

S164664 G038145 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. HERNANDEZ
(FRANCISO RENE)**

S164666 B191608 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**HLC PROPERTIES LTD. v.
MCA RECORDS, INC.**

S164679 C054389 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**SHANNON (MICHAEL) v.
MARSHALL (GREGORY)**

S164685 C057925 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**SACRAMENTO, CITY OF v.
NOEL (DEFRAITZE LUCAS)**

S164703 C055405 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. WILLIAMS
(MARCUS DWAIN)**

S164761 F052615 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. ALVARADO, SR.,
(JIMMY MENDEZ)**

S164789 B202033 Second Appellate District, Div. 6

Petition for review denied

George, C. J., was absent and did not participate.

L. (M.), IN RE

S164793 D051046 Fourth Appellate District, Div. 1

Petitions for review denied

George, C. J., was absent and did not participate.

A. (ADRIAN), IN RE

S164806 D050224 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. FIGUEROA
(CARLOS)**

S164837 H032994 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**MCCONNELL (RODERICK)
ON H.C.**

S165233 G040575 Fourth Appellate District, Div. 3

Petition for review and application for stay denied

George, C. J., was absent and did not participate.

**SANTIAGO ASSOCIATES,
INC., ET AL. v. S.C.
(NEWPORT HAWAII ET AL.)**

S152387

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**LUNDIN (CHRISTOPHER)
ON H.C.**

S156035

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**MACIAS (DOLORES
RAMONA) ON H.C.**

S159045

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**ZACKERY (DONALD LEWIS)
ON H.C.**

S159150

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**SHORTER (ANTHONY) ON
H.C.**

S159159 A118819 First Appellate District, Div. 4

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S159189

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S160166

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S160238

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S160520

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S160524

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S160556

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**MENDOZA (JOHN G.) ON
H.C.**

**WOODFORK, JR., (RAY C.)
ON H.C.**

**GORDON (PHILIP
MICHAEL) ON H.C.**

**CARRILLO (JOSE MANUEL)
ON H.C.**

**GEROLAGA, JR., (TONY) ON
H.C.**

**ACINELLI (SAMUEL
ANTHONY) ON H.C.**

**HAMILTON (LAWRENCE)
ON H.C.**

S160558

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

**THOMAS (THOMAS J.) ON
H.C.****S160561**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus*
(1965) 62 Cal.2d 218.)
George, C. J., was absent and did not participate.

**JOHNSON (SAMUEL D.) ON
H.C.****S160605**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**WILLIAMS, JR., (CHARLES
DAVID) ON H.C.****S160711**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**WILLIAMS (ROBERT
EUGENE) ON H.C.****S160782**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**WRIGHT (CHARLES R.) ON
H.C.****S160828**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**GRAFF (KELLY ANTHONY)
ON H.C.**

S160830

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**CHAVEZ (ALFREDO
NICHOLAS) ON H.C.**

S160853

Petition for writ of habeas corpus denied
(See *In re Waltreus* (1965) 62 Cal.2d 218.)
George, C. J., was absent and did not participate.

**HARRIS (KERRY LEROI) ON
H.C.**

S160914

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**PARKER, JR., (CLAUDE) ON
H.C.**

S160916

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
George, C. J., was absent and did not participate.

GAMEZ (SERGIO A.) ON H.C.

S161001

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
George, C. J., was absent and did not participate.

**NGUYEN (HUU THANH) ON
H.C.**

S161029

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**SEBASTENILLIEA (JOSEPH)
ON H.C.**

S161048

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734.)
George, C. J., was absent and did not participate.

**PATTERSON (VESTER L.)
ON H.C.**

S161051

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

HILLARY (DAVID) ON H.C.

S161073

H.C.
Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

HARRISON (JAMEY) ON

S161075

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
George, C. J., was absent and did not participate.

**PIERCE (JAMES EARL) ON
H.C.**

S161076

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

**DELACRUZ (JOSE ROBERT)
ON H.C.**

S161080

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)
George, C. J., was absent and did not participate.

**REED (RAYMOND R.) ON
H.C.**

S161083**BROWN (MARLOWE) ON
H.C.**

Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

S161086**SECREST (CALVIN) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S161088**RODRIGUEZ (RUSSELL
GENE) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

George, C. J., was absent and did not participate.

S161097**RIDER, JR., (MATHEW
CARL) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

George, C. J., was absent and did not participate.

S161105**SALGADO (LAURO) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S161108**STEEN (KEVIN NEAL) ON
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C. J., was absent and did not participate.

S161110

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

REBER (WALTER) ON H.C.**S161118**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)
George, C. J., was absent and did not participate.

FUENTEZ (TOMMY) ON H.C.**S161127**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**GONZALEZ (RODOLFO) ON
H.C.****S161131****ON****HAMILTON (DONALD R.)****H.C.**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
George, C. J., was recused and did not participate.

S161132

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

**JONES (CHARLES
KENNETH) ON H.C.****S161138**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

KUFA (KUMASI) ON H.C.

S161139

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

**KIMERER (FOREST
RAYMOND) ON H.C.**

S161163

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**KIMBRO (RICHARD) ON
H.C.**

S161164

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

LAW (SAMUEL) ON H.C.

S161166

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**HERNANDEZ (SILVIO) ON
H.C.**

S162132

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**HARRISON (MARCUS L.) ON
H.C.**

S162555

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

George, C. J., was absent and did not participate.

**HICKS (MICHAEL J.) ON
H.C.**

S162723

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

**PATTERSON (VESTER L.)
ON H.C.**

S162771

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**HICKS (MICHAEL J.) ON
H.C.**

S163463

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**NELSON (PATRICK OTIS)
ON H.C.**

S164323

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**GRANDERSON (CHARLES)
ON H.C.**

S164331

Petition for writ of habeas corpus denied
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)
George, C. J., was absent and did not participate.

**JONES (BRANDON L.) ON
H.C.**

S164353

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**SALTZMAN (MICHAEL) ON
H.C.**

S164360

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
George, C. J., was absent and did not participate.

S164401

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S164408

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S164631

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S164636

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
George, C. J., was absent and did not participate.

S164727

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S164783

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

SCOTT (BYRON L.) ON H.C.**DABANIAN (MARIETTA) ON
H.C.****SALTZMAN (MICHAEL) ON
H.C.****FERGUSON (JIM) ON H.C.****JACKSON (STEPHEN) ON
H.C.****ELLIS (NATHAN J.) ON H.C.****CASSO (SANTIAGO) ON H.C.**

S164810

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
George, C. J., was absent and did not participate.

**TUNUPOPO (JOE SUA) ON
H.C.**

S164812

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**SECREST (WILLIAM) ON
H.C.**

S164820

Petition for writ of habeas corpus denied
(See *In re Dixon* (1953) 41 Cal.2d 756.)
George, C. J., was absent and did not participate.

**MILLER (MICHAEL A.) ON
H.C.**

S164833

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**WELCH (EUGENE EVERETT)
ON H.C.**

S164910

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**NOEL (DEFRANTZE LUCAS)
ON H.C.**

S164912

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**VALDEZ, JR., (TITO DAVID)
ON H.C.**

S164992

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S165071

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S162882 B198399 Second Appellate District, Div. 3

Publication request denied (case closed)
George, C. J., was absent and did not participate.

S163954 B201695 Second Appellate District, Div. 6

Publication request denied (case closed)
George, C. J., was absent and did not participate.

S163993 D051826 Fourth Appellate District, Div. 1

Publication request denied (case closed)
George, C. J., was absent and did not participate.

S164120 E041807 Fourth Appellate District, Div. 2

Depublication request denied (case closed)
George, C. J., was absent and did not participate.

S164173 B199199 Second Appellate District, Div. 8

URI
Publication request denied (case closed)

**NOEL (DEFRAITZE LUCAS)
ON H.C.****JACKSON (STEPHEN) ON
H.C.****CYTODYN OF NEW
MEXICO, INC. v. BARRY
(PATRICIA J.)****ROYAL PALMS v. CITY OF
OXNARD****E. (PEDRO), IN RE****EVERETT (AGNES H.) v.
STATE FARM GENERAL
INSURANCE COMPANY****NAZARIAN (MANOCHEHR)
v. MAYERFELD (JACOB**

George, C. J., was absent and did not participate.

S043187

**PEOPLE v. RIGGS (BILLY
RAY)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to October 8, 2008, or the date upon which rehearing is either granted or denied, whichever occurs first.

S056765

**PEOPLE v. PARSON
(RICHARD RAY)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to October 8, 2008, or the date upon which rehearing is either granted or denied, whichever occurs first.

S163875

H031348 Sixth Appellate District

**PEOPLE v. LITMON, JR.,
(DAVID)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2008.

S163905

B194358

PEOPLE v. ALBILLAR

Second Appellate District, Div. 6

(ALBERT ANDREW)

The time for granting or denying review in the above-entitled matter is hereby extended to September 9, 2008.

S164125

E042607 Fourth Appellate District, Div. 2

**PEOPLE v. KELLY (JAY
ANGELO)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 2, 2008.

S164134

H032935 Sixth Appellate District

PUENTES (BENJAMIN) v.

S.C.

(PEOPLE)

The time for granting or denying review in the above-entitled matter is hereby extended to September 3, 2008.

S164234 C055464 Third Appellate District

**PEOPLE v. GEMMILL
(DAWN AMBER)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2008.

S164344 B199483 Second Appellate District, Div. 3

**SOUTH HILLS HOMES
PARTNERSHIP v. CITY OF
WEST COVINA**

The time for granting or denying review in the above-entitled matter is hereby extended to September 11, 2008.

S077033

**PEOPLE v. DUENAS
(ENRIQUE PARRA)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald Turner's representation that he anticipates filing the appellant's opening brief by September 2, 2008, counsel's request for an extension of time in which to file that brief is granted to September 2, 2008. After that date, no further extension is contemplated.

S082101

**PEOPLE v. RHOADES
(ROBERT BOYD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 3, 2008.

S118045

**PEOPLE v. ADAMS
(MARCUS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 3, 2008.

S140077**WALLACE (KEONE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael Cross's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 11, 2008, counsel's request for an extension of time in which to file that document is granted to September 11, 2008. After that date, no further extension is contemplated.

S004786**PEOPLE v. TUILAEPa (PAUL
PALALAUa)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed associate counsel for permission to withdraw as attorney of record for condemned inmate Paul Palalaua Tuilaepa, filed July 3, 2008, is hereby granted.

The order appointing Gail R. Weinheimer as associate counsel of record for condemned inmate Paul Palalaua Tuilaepa, filed September 17, 1997, is hereby vacated.

Tarik S. Adlai is hereby appointed as associate counsel of record for condemned inmate Paul Palalaua Tuilaepa. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

David R. Evans remains as appointed lead counsel of record for condemned inmate Paul Palalaua Tuilaepa.

George, C. J., was absent and did not participate.

S049973**PEOPLE v. KELLY
(DOUGLAS OLIVER)**

Motion for access to sealed record granted

Douglas Oliver Kelly's "Motion for an Order Allowing Counsel to Inspect and Copy Sealed and Confidential Documents in the Record on Appeal," filed on July 3, 2008, is granted. The Habeas Corpus Resource Center is granted access to the following sealed materials contained in the record in *People v. Kelly* (S049973):

1. Order for Appointment of Expert (1 CT 342);
2. Declaration and Order Re Fees for All Court Appointments (1 CT 416-420);
3. Declaration and Order Re Fees for All Court Appointments (1 CT 582-586);
4. Request for Authorization to Incur Expenses for Ancillary Defense Services (2 CT Supp II 490-494);
5. Notice of Motion to Appoint Expert and Order (2 CT Supp II 495-496);
6. Final Accounting for Ancillary Defense Services and Order for Reimbursement (2 CT Supp II 497-501);
7. Sealed Reporter's Transcripts of In Camera Hearings (RT 31-33, 124-126).

Counsel must supply the personnel and equipment necessary to undertake the examination and copying of the records, which must occur on the premises of the court. Unless otherwise ordered by this court, the sealed documents described in this order are to remain under seal, and to the extent the parties quote, disclose, or describe these materials in any court papers, those papers must be filed or lodged under seal.

George, C. J., was absent and did not participate.

S059912

**PEOPLE v. MONTES
(JOSEPH MANUEL)**

Motion for access to sealed record granted

Appellant's Request to Unseal Portions of the Record, filed on July 8, 2008, is granted. The clerk is directed to unseal Exhibits K and R to appellant's motion to augment the record filed June 14, 2007, and ordered augmented into the record and filed under seal on August 15, 2007, and to make these exhibits part of the public record.

George, C. J., was absent and did not participate.

S082101

**PEOPLE v. RHOADES
(ROBERT BOYD)**

Record augmentation granted

Appellant's "Verified Application to Augment the Record on Appeal; or Failing That, to Take Judicial Notice of Three Writs of Mandate in the Court of Appeal" filed May 27, 2008, is granted.

On or before August 29, 2008, the clerk of the Superior Court of the County of Sacramento is directed to augment the record with the following:

- (1) "*In re Robert Boyd Rhoades v. Superior Court, Sutter County*," Petition for Writ of Mandate and one volume of exhibits, filed in the Third District Court of Appeal (C027236) on August 8, 1997; and any opposition, reply, and order;
- (2) "*In re Robert Boyd Rhoades v. Superior Court, Sutter County*," Petition for Writ of Mandate and Prohibition and Request For Stay, filed in the Third District Court of Appeal (C028458) on January 16, 1998; and any opposition, reply, and order; and
- (3) "*In re Robert Boyd Rhoades v. Superior Court, Sacramento County*," Petition for Writ of Mandate or Prohibition, Request For Stay, and one volume of exhibits, filed in the Third District Court of Appeal (C029304) on April 24, 1998; and any opposition, reply, and order. (Cal. Rules of Court, rules 8.155, 8.634.)

George, C. J., was absent and did not participate.

S165180**WILSON (PETE) v. BOWEN
(DEBRA)/(ABRAHAMSON)**

The Verified Petition For Extraordinary Relief Including Writ Of Mandate And Request For Immediate Temporary Stay, filed July 17, 2008, is denied.
George, C. J., was absent and did not participate.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 828)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

